

**MARTIN & FERRARO, LLP**

ATTORNEYS AT LAW

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**TO:****FROM:****Name:** Office of Patent Publication  
Certificate of Corrections Branch**Name:** Thomas H. Martin**Firm:** U.S. Patent & Trademark Office**Phone No.:** 330-877-2277**Fax No.:** 571-273-8300**No. of Pages (including this):** 8**Subject:** Request for Certificate of Correction**Date:** January 9, 2009

U.S. Patent No. 7,462,195

Issued: December 9, 2008

Gary K. Michelson

ARTIFICIAL LUMBAR NON-ARCUATE

INTERBODY SPINAL IMPLANT HAVING AN

ASYMMETRICAL LEADING END

Attorney Docket No.: 101.0077-00000

Customer No. 22882

**Confirmation Copy to Follow: No**

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Request for Certificate of Correction with 1 sheet of Form PTO/SB/44 (in duplicate) and 3 sheets of support documents are being facsimile transmitted to the U.S. Patent and Trademark Office on January 9, 2009.

  
Sandra L. Blackmon

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PATENT  
Attorney Docket No. 101.0077-00000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent of: )  
Gary K. Michelson ) (Serial No.: 09/553,573)  
Patent No.: 7,462,195 )  
Issue Date: December 9, 2008 ) (Filed: April 19, 2000)  
For: ARTIFICIAL LUMBAR NON- )  
ARCUATE INTERBODY SPINAL )  
IMPLANT HAVING AN )  
ASYMMETRICAL LEADING END )

Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CERTIFICATE OF CORRECTION**

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, this is a request for the issuance of a Certificate of Correction in the above-identified patent. Two (2) copies of Form PTO/SB/44 are appended. The complete Certificate of Correction involves one (1) page.

The mistakes identified in the appended Form occurred through the fault of the Patent Office, as clearly disclosed by the records of the application which matured into this patent, and as evidenced in the attached copies of the following documents:

1. Request for Correction of Title filed November 3, 2008, showing the correct language of the title;
2. Issue Fee Transmittal Form filed November 3, 2008, showing the correct spelling of attorney name; and
3. Page 4 of the April 19, 2000 Form PTO-1449, showing the correct reference listing.

JAN 12 2009

Issuance of the Certificate of Correction containing the correction is earnestly requested.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: January 9, 2009

By:   
Thomas H. Martin  
Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030

JAN 12 2009

PTO/SB/44 (04-05)  
(Also Form PTO-1050)UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 7,462,195  
APPLICATION NO. : 09/553,573  
ISSUE DATE : December 9, 2008  
INVENTOR(S) : Gary K. Michelson

Page 1 of 1

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Cover Page 1:

Section (54) Title, line 1: after "LUMBAR" Insert – NON-ARCUATE –; and  
Section (74) Attorney, Agent or Firm: change "Ferraro" to – Ferraro –.

Cover Page 2, Other Publications:

Line 41: change "171-172" to – 171-182 –.

Mailing Address of Sender:  
Martin & Ferraro, LLP  
1557 Lake O'Pines Street, NE  
Hartsville, Ohio 44632

PATENT NO. 7,462,195

JAN 12 2009

PTO/SB/44 (04-05)  
(Also Form PTO-1050)UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 7,462,195  
APPLICATION NO. : 09/553,573  
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INVENTOR(S) : Gary K. Michelson

Page 1 of 1

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Section (74) Attorney, Agent or Firm: change "Ferraro" to -- Ferraro --.

Cover Page 2, Other Publications:

Line 41: change "171-172" to -- 171-182 --.

Mailing Address of Sender:  
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PATENT NO. 7,462,195

JAN 12 2009

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PATENT  
Attorney Docket No. 101.0077-00000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 3776
Gary K. Michelson	)	
Serial No.: 09/553,573	)	Group Art Unit: 3738
Filed: April 19, 2000	)	Examiner: Bruce Edward Snow
For: ARTIFICIAL LUMBAR NON-ARCUATE	)	
INTERBODY SPINAL IMPLANT HAVING	)	
AN ASYMMETRICAL LEADING END	)	
(as amended)	)	

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CORRECTION OF TITLE**

Applicant has noted an error in the title of the invention as printed on the Notice of Allowance. The correct title of the invention is evidenced by the attached copies of the Amendments to the Title filed on November 30, 2004, July 14, 2005, and January 19, 2007. Applicant respectfully requests that the title of the above-identified application be corrected in the Patent Office records as follows:

\* ARTIFICIAL HEMI-LUMBAR NON-ARCUATE INTERBODY SPINAL IMPLANT HAVING AN ASYMMETRICAL LEADING END AND METHOD FOR INSTALLATION THEREOF \*

Please grant any extensions of time required to enter this paper and charge any additional required fees to our deposit account 50-3726.

Respectfully submitted,

MARTIN &amp; FERRARO, LLP

Dated: November 3, 2008By: 

Amedeo F. Ferraro  
No. 37,129

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (310) 286-9800  
Facsimile: (310) 286-2795

JAN 12 2009

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or **Fax** (571)-273-2885

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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22862 7590 10/17/2008

MARTIN & FERRARO, LLP  
1557 LAKE OPINES STREET, NE  
HARTVILLE, OH 44632

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Miyabi Grace Forker (Depositor's name)  
*MG Forker* (Signature)  
November 3, 2008 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,573	04/19/2000	Gary K. Michelson M.D.	101.0077-00000	3776

TITLE OF INVENTION: ARTIFICIAL HEM-LUMBAR INTERBODY SPINAL IMPLANT HAVING AN ASYMMETRICAL LEADING END AND METHOD FOR INSTALLATION THEREOF

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	01/20/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
SNOW, BRUCE EDWARD	3738	623-017160

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Martin & Ferraro, LLP

2.

3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Warsaw Orthopedic, Inc.

(B) RESIDENCE (CITY and STATE OR COUNTRY)

Warsaw, Indiana

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 50-3726 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date November 3, 2008

Typed or printed name Agnedeo F. Ferraro

Registration No. 37,129

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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JAN 12 2009

From: MARTIN &amp; FERRARO, LLP (OH)

3308772030

01/09/2009 13:56

#290 P. 008/008

E LESS MAIL NO.: EL399233704US

[Handwritten marks]	Schmitz et al.; Performance of Alloplastic Materials and Design of an Artificial Disc; the Artificial Disc, Brock, Mayer, Weigel; pp. 23-34 (1991)
[Handwritten marks]	Fusion of the Lumbar Spine; Anterior Monosegmental Fusion L5-S1, Atlas of Spinal Operations, Thieme, pp. 270-274 (1993)
[Handwritten marks]	Lumbar Spine Surgery, Techniques & Complications; History of Lumbar Spine Surgery (1994) pp. 11-15; 27; 30; 35-45; 265-268
[Handwritten marks]	European Opposition Document, Nov. 27, 1995 – Opposing EP Patent No. 425 542 B1 to Karlin Technology, Inc.
[Handwritten marks]	Laparoscopic Bone Dowel Surgical Technique; Brochure of Sofamor Danek (1995)
[Handwritten marks]	Laparoscopic Bone Dowel Instruments; Brochure of Sofamor Danek (1995)
[Handwritten marks]	Brochure of University of Florida Tissue Bank; MD-I and MD-II Custom Machine Cortical Dowels; (Circa 1996)
[Handwritten marks]	Brochure of University of Florida Tissue Bank; MD-III Threaded Cortical Dowel; (Circa 1996)
[Handwritten marks]	Glazer, P.A., et al.; Biomechanical Analysis of Multilevel Fixation Methods in the Lumbar Spine; Spine, Vol. 22, No. 2, pp. 171-182 (1997)
[Handwritten marks]	Ray, C.D.; Spinal Interbody Fusions: A Review, Featuring New Generation Techniques; Neurosurgery Quarterly, 7(2):135-156 (1997)
[Handwritten marks]	A picture of a Medtronic, Sofamor Danek Display; titled "Evolving With Your Needs" (4/6/00)
EXAMINER [Handwritten signature]	DATE CONSIDERED 5/8/02
EXAMINER: Initial citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	